

IN THE DRAWINGS

The attached sheet of drawing includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

Attachment: Replacement Sheet (1)

### REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are pending in the present application. Claims 1, 2, 6-8, and 12-14 are amended by the present amendment.

Amendments to the claims find support in the application as originally filed, at least in Figures 8-12, and in the specification at page 32, lines 5-11, page 32, line 17 to page 33, line 5, page 33, lines 11-19, and page 34, line 5 to page 35, line 1. Thus, no new matter is added.

In the outstanding Office Action, the drawings were objected to; the title was objected to; Claims 6 and 12 were objected to; Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1, 3, 4, 7, 9, 10, and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Publication 2004/0114495 to Kim et al. ("Kim"); and Claims 2, 6, 8, 12, and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kim in view of U.S. Patent No. 6,141,304 to Ogasawara.

Regarding the objection to the drawings, on the replacement sheet, Figure 1 is amended to include a legend --Background Art-- in accordance with the guidelines established by M.P.E.P. § 608.02(g). Thus, it is respectfully requested the objection to the drawings be withdrawn.

Regarding the objection to the title of the specification, a new title is provided. Accordingly, it is respectfully requested that the objection to the title be withdrawn.

Further, regarding the objection of Claims 6 and 12 due to formalities, Claims 2, 6-8, and 12 are amended to correct the informalities. Therefore, Applicant respectfully requests the objection be withdrawn.

In addition, regarding the rejection of Claims 1-13 under 35 U.S.C. § 112, second paragraph, Claims 1-13 are amended in accordance with the suggestions in the Office Action.

Therefore, Applicant respectfully requests the rejection of Claims 1-13 under 35 U.S.C. § 112, second paragraph also be withdrawn.

Initially, Applicant and Applicant's representative gratefully acknowledge the courtesy of a personal interview with Examiner Fischer and Supervisory Patent Examiner Nguyen on November 6, 2008. During the interview, rejections in the Office Action and differences between the claims and cited references were discussed. Comments discussed during the interview are reiterated below.

Applicant respectfully traverses the rejection of Claims 1, 3, 4, 7, 9, 10, and 13 under 35 U.S.C. § 102(b) as anticipated by Kim, with respect to amended independent Claims 1, 7, and 13.

Amended Claim 1 is directed to an optical pick-up device that includes, in part, first and second optical systems including first and second object lenses, respectively; an object lens drive unit that holds the first and second object lenses; and aberration correcting means for correcting comatic aberration of the second optical system relatively taking place with respect to the first optical system. The aberration correcting means is arranged in an optical path of the second optical system and out of an optical path of the first optical system. Independent Claims 7 and 13 includes similar features or related steps directed to different classes and scopes of invention.

As discussed during the interview, Kim and Ogasawara fail to disclose or suggest each feature of any of the amended independent claims. For example, Applicant respectfully submits that Kim and Ogasawara fail to disclose or suggest an aberration correcting means for correcting comatic aberration of a second optical system relatively taking place with respect to a first optical system, where the aberration correcting means is arranged in an optical path of the second optical system between one of the first, second, or third light emitting element and the second optical system and out of an optical path of the first optical system.

Kim describes an optical pick-up device having a plurality of objective lenses.<sup>1</sup> According to Kim, wavefront errors can be corrected by a control that moves “the second and/or third optical units 20 and/or 30 or their light sources within a plane perpendicular to an optical axis along which the second and/or third beams 21a and/or 31a travel.”<sup>2</sup> In other words, according to Kim, wavefront errors are corrected by moving a light source unit 20/30 (e.g., a light emitting element) with respect to an objective lens 41/45 (e.g., an optical system), and therefore, the error correcting unit of Kim includes an apparatus to move the light emitting element, and the error correcting unit of Kim does not include any apparatus arranged *between* a light emitting element and an objective lens. Also, Kim fails to suggest that an aberration correcting means is arranged in the optical path of the second optical system and out of an optical path of a first optical system.

Accordingly, as discussed during the interview, Kim fails to teach or suggest “the aberration correcting means is arranged in an optical path of the second optical system between one of the first, second, or third light emitting element and the second optical system and out of an optical path of the first optical system,” as recited in Claim 1, and as similarly recited in Claims 7 and 13.

Accordingly, it is respectfully requested the rejection of Claims 1, 3, 4, 7, 9, 10, and 13 under 35 U.S.C. § 102(b) be withdrawn.

In addition, Applicant respectfully traverses the rejection of Claims 2, 6, 8, 12, and 14 under 35 U.S.C. § 103(a) as unpatentable over Kim in view of Ogasawara, with respect to amended independent Claims 1, 7, and 13.

Claims 2, 6, 8, 12, and 14 depend from independent Claims 1, 7, and 13, which as discussed above are believed to patentably define over Kim. Further, Applicant respectfully submits that Ogasawara fails to teach or suggest the claimed features lacking in Kim.

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<sup>1</sup> Kim at Abstract.

<sup>2</sup> Kim at paragraph [0118] and Fig. 4.

As discussed during the interview, Ogasawara fails to supply the claimed features lacking in the disclosure of Kim. Ogasawara indicates a wavefront-aberration correcting device may be arranged between a laser light source 1 (e.g., light emitting element) and an objective lens 5 to correct a wavefront error ascribable to a tilt angle. However, as discussed during the interview, Ogasawara fails to describe or suggest a second optical system, and Ogasawara fails to describe or suggest an aberration correcting means for correcting comatic aberration of the second optical system relatively taking place with respect to the first optical system arranged in an optical path of the second optical system and out of an optical path of a first optical system.

Therefore, it is respectfully requested the rejection of Claims 2, 6, 8, 12, and 14 under 35 U.S.C. § 103(a) as unpatentable over Kim in view of Ogasawara, also be withdrawn.

Accordingly, Applicant respectfully submits that independent Claims 1, 7, and 13, and claims depending therefrom, are allowable.

Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

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